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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,309	09/29/2003	Sung-Wu Chen	P/727-115	5355

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EXAMINER

BASTIANELLI, JOHN

ART UNIT

PAPER NUMBER

3751

DATE MAILED: 11/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/675,309

Applicant(s)

CHEN ET AL.

Examiner

John Bastianelli

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 6 is/are rejected.
- 7) ☒ Claim(s) 2-5 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Suggestions

1. Claim 5 cites "said open and close positions". It appears that this should be "discharging and non-discharging positions" to be consistent with claim 1.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Dong et al. US 4,019,536.

Dong discloses a faucet body 18 including a closed end, an open end opposite to said closed end of said faucet body, and a water inlet disposed between said closed end and said open end of said faucet body so that water can be introduced into said faucet body through said water inlet; a valve tube 16 within said faucet body such that a liquid-tight seal is established therebetween and including a closed end adjacent to said closed end of said faucet body, an open end extending outwardly of said open end of said faucet body, and an opening disposed between said closed end and said open end of said valve tube, said valve tube being rotatable within said faucet body to a closed position, where said opening in said valve tube is not fluidly communicated with said water inlet in said faucet body so as to prevent flow of water therethrough, and an open position, where said opening in said valve tube comes into alignment with said water inlet in said faucet

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body so as to allow maximum flow of water therethrough; a retaining member 52 interconnecting said open ends of said valve tube and said faucet body so as to permit rotation of said valve tube within said faucet body and so as to prevent movement of said valve tube within said faucet body; and a discharge spout 12 including an open coupling end connected fixedly to and in fluid communication with said open end of said valve tube, and an open discharge end having an end surface that is formed with a water outlet, said discharge spout being rotatable about said valve tube to a non-discharging position, where said valve tube is disposed at said close position, and a discharging position, where said valve tube is disposed at said open position so that a maximum amount of water can be discharged downwardly from said discharge spout and where said discharge end can be pushed upwardly to turn said spout to said non-discharging position.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dong et al. US 4,019,536 in view of Ridenour US 4,989,791.

Dong lacks a spray head. Ridenour discloses a spray head 68 that is connected threadably. It would have been obvious to one having ordinary skill in the art at the time the invention was

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made to use a threadable spray head as disclosed by Ridenour on the spout of Dong in order to have a fluid flow that can be adjusted.

Allowable Subject Matter

6. Claims 2-5 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The following is a statement of reasons for the indication of allowable subject matter: The primary reason for the allowance claim 2 is a counterweight connect the coupling end in combination with the device as cited in claim 1. The primary reason for the allowance claims 3-4 is the valve tube has a large and small diameter tube portions having a shoulder and the retaining member is tubular and is sleeved on the small-diameter portion of the valve tube in combination with the device as cited in claim 1. The primary reason for the allowance claim 5 is tubular rubber spacer sleeved around the valve tube and in frictional contact with the faucet body that retains the valve in closed and open positions in combination with the device as cited in claim 1.

Conclusion


8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bogan, Uhlig, Holzer, Wilson, Swanberg, Garrison, and Raz disclose rotatable spouts as levers.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Bastianelli whose telephone number is (703) 305-0058. The examiner can normally be reached on M-F (9:00-6:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Huson can be reached on (703) 308-2580. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



John Bastianelli
Primary Examiner
Art Unit 3751



JB

November 9, 2004